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January 26, 2022

By ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007
Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

Re: *Steven Lesane v. John Doe, et. al.*, No. 21 Civ. 4746 (KPF)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, and the attorney assigned to represent defendant the City of New York in the above-referenced matter. I write to respectfully request that the Court reschedule the Initial Conference, currently scheduled for 4:00 p.m. on February 8, 2022, (ECF No. 15), to 2:00 p.m. or earlier on February 8, 2022 or another date convenient to the Court.

The Court scheduled this Initial Conference on October 22, 2021 and ordered Defendant to transmit the Order to the Warden. (ECF No. 15). However, the institution housing Plaintiff, the Federal Correctional Institution at Hazelton, will not allow for a 4:00 p.m. telephone conference. Upon information and belief, the United States Bureau of Prisons is presently scheduled to hold its "National Count" at 4:00 p.m. on that same afternoon. As a result, Plaintiff must be in his housing area by 3:55 p.m. on February 8, 2022, and is not able to be produced for a telephone call.

Therefore, Defendant respectfully requests the Court reschedule the Initial Conference, currently scheduled for 4:00 p.m. on February 8, 2022, to 2:00 p.m. or earlier on February 8, 2022, or another date convenient to the Court.

Thank you for your consideration herein.

Respectfully submitted,

Mary K. Sherwood

Mary K. Sherwood
Assistant Corporation Counsel
Special Federal Litigation

Application GRANTED. The initial pretrial conference scheduled for February 8, 2022, is hereby ADJOURNED to **February 16, 2022, at 10:30 a.m.**

It is further ORDERED that at the appointed date and time for the initial pretrial conference, the Warden or other official in charge of FCI Hazelton, produce prisoner Steven Lesane, USM #91258-054, at a suitable location within the facility equipped with a telephone, for the purpose of participating by telephone in the conference with the Court and defense counsel in the above referenced matter. If this time and date presents an inconvenience, the Warden or the Warden's designee should promptly inform Chambers by calling (212) 805-0290.

Counsel for defendants, must (i) transmit this Order to the Warden forthwith; (ii) contact FCI Hazelton forthwith to arrange the call and to determine the telephone number at which *pro se* plaintiff will be reachable at the above time and date; and (iii) telephone the Court with *pro se* plaintiff on the line at the time and date of the conference. The dial-in information is as follows: At 10:30 a.m. the parties shall call (888) 363-4749 and enter access code 5123533. Please note that the conference line will not be available until 10:30 a.m.

Furthermore, on or before the Thursday prior to the conference, the parties shall file a joint status letter with the information outlined in the notice of the initial pretrial conference. (See Dkt. #15 at 2).

The Clerk of Court is directed to terminate the pending motion at docket entry 25. The Clerk of Court is further directed to mail a copy of this Order to Plaintiff at his address of record.

Date: January 26, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE